

Notice of Allowability	Application No.	Applicant(s)
	09/659,235	O'LEARY, WILLIAM
	Examiner	Art Unit
	Dennis M. Butler	2115

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Appeal Brief received on February 25, 2005.
2. The allowed claim(s) is/are 1-66.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

1. This action is in response to the Appeal Brief received on February 25, 2005.

Claims 1-66 are pending.

2. The following is an examiner's statement of reasons for allowance:

The cited references describe methods and systems for sampling data signals using sampling clocks in computer systems and were all issued in class 713/400 or 401 which is directed to synchronization of clock, timing and data signals. None of the references describe the sampling clock as argued by applicant in the Brief.

The claimed invention is allowable over the art of record in view of applicant's arguments on pages 13-24 of the Brief that the art of record does not teach or suggest the recited method or apparatus because McCauley's PHASE ERROR clock signal is not equivalent to the recited sampling clock signal as defined by applicant on page 15 of the Brief because it is not used to gather a plurality of values during a given sampling period and because McCauley's PHASE ERROR clock signal transmits only one pulse per measurement period or window. In addition, the claimed invention is allowable over the art of record in view of applicant's arguments on pages 13-24 of the Brief that the art of record does not teach or suggest the recited method or apparatus because PLL 36 of McCauley does not generate an error signal (the output of D/A converter 62) that is proportional to the count value (the output of Counter 52) and does not teach or suggest a count value that is indicative of an amount of phase error (the outputs of Phase Detector 48) during a single event or single time period

because McCauley does not describe that the count value is indicative of a single event or time period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The objection to the drawings is withdrawn in view of applicant's statement on page 24 of the Brief that a person of ordinary skill in the art would be able to build the invention as shown in figure 2 because a person of ordinary skill in the art understands what a phase detector comprises and how it is designed for a two-state phase detector that uses XOR logic, a two state sequential phase detector, and a three state phase detector.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 571-272-3663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis M. Butler

Dennis M. Butler
Primary Examiner
Art Unit 2115